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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT

APPLICANT: Smith DOCKET NO.: EVS-P-99-017  
SERIAL NO.: 09/510,087 GROUP ART UNIT: 3751  
FILED: October 26, 2001 EXAMINER: D. Walczak  
TITLE: "A MARKING DEVICE, A METHOD OF USING THE SAME AND  
AN ACCESSORY KIT FOR THE MARKING DEVICE"

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

S I R:

In response to the Office Action dated January 15, 2004,  
please amend the above-identified application as follows:

IN THE CLAIMS:

Claim 1 (withdrawn): A marking device comprising:

a barrel having a body defined between a first end and a  
second end wherein the first end has a tip capable of producing a  
mark;

a sheath that covers the body of the barrel between the first  
end and the second end wherein the sheath has a first layer and a  
second layer wherein the first layer has an adhesive to attach to  
the second layer; and

an end cap removably attached on the second end of the barrel  
wherein the end cap has a connecting lead extending from the end  
cap.

Claim 2 (withdrawn): The marking device of Claim 1 wherein the  
sheath is cylindrically shaped with an aperture therethrough.

Claim 3 (withdrawn): The marking device of Claim 1 wherein the